

Message

From: Burdett, Cheryl [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E8F84378969242DBA5EB260C1CC89FB8-CBURDETT]
Sent: 8/21/2015 5:12:02 PM
To: Bahr, Ryan [bahr.ryan@epa.gov]
Subject: FW: Compliance or Complacency? Who pays the true costs of Non-Enforcement.
Attachments: Massive Regulatory Failure.docx; Ex. 6 Personal Privacy (PP) Inspection Report 06222011 Final-1.pdf; Ex. 6 Personal Privacy (PP) Site Visit 3-11-2013.pdf; DSC_0417_2.jpg; 20131105125802262.pdf; WI RAP SHEETS PRESS RELEASE FINAL_061015.docx; 20141030 Ex. 6 Personal Privacy (PP) Permit_Decision.pdf

FYI

Cheryl Burdett

From: Ex. 6 Personal Privacy (PP)
Sent: Thursday, August 20, 2015 9:51 AM
To: Hedman, Susan; Hyde, Tinka; Maraldo, Dean; Burdett, Cheryl; davenport.thomas@epa.gov
Cc: Mccarthy, Gina; Laurie J. - DNR Ross; Russell A. - DNR Rasmussen; info@wiseeye.org; Thomas J. Dawson; Senator Dave Hansen; Senator Robert Cowles; Senator Julie Lassa; Senator Luther Olsen
Subject: Compliance or Complacency? Who pays the true costs of Non-Enforcement.

Newsmakers: Cathy Stepp, Secretary - WI Department of Natural Resources

On August 17, 2015, Senior Producer Steve Walters interviewed DNR Secretary Cathy Stepp

The continued failures of the DNR, including the promotion of self-monitoring and "voluntary" measures in addressing non-compliance of industrial agriculture, continues to exacerbate the devastating pollution and the resulting water contamination in Kewaunee County.

In this recent interview, Secretary Stepp voices that "failing septic systems" are one of Kewaunee's problems. With 82% of Kewaunee's residential septic systems now being up to code, the margin to continue this tired debate is dwindling. It should be noted that it is true that Municipal Sludges and municipal wastes *are land spread* in Kewaunee County.

Glenn Selner, our County Zoning Administrator, has revealed that ***over 50% of our permitted farm operations have never applied for septic permits!*** Where are the human wastes from these facilities going? Are human wastes co-mingled in lagoon slurry?

Secretary Stepp states in this interview that the DNR "Regulates CAFO's [Concentrated Animal Feeding Operations] within the confines of our full regulatory authority".

*Is the DNR working within its **full regulatory authority**?*

The DNR does have the ability to pose both notable enforcement measures and fines **Now**. Instead, the open for business, friendly "collaboration" of the DNR's regulatory arm –reduces its responses to Kewaunee's severe pollution by merely meeting these violations with paper notes of NON [Notice of Non-Compliance]; or a NOV [Notice of Violation]. Ongoing continued violations may result with an enforcement conference. All three of these responses within the DNR hold little value as either a deterrent or as a way to facilitate amendments in behaviors for violators. Many times violating behaviors continue--sometimes for years and years.

The attached photo of a culvert from Dairy Dreams CAFO production area reveals a discharge to Silver Creek, which empties into the Ahnapee River. This was a Clean Water Act violation. What fines did this dairy receive? None. It took multiple years to get a response to this on-going violation until this photo *finally* got the EPA, and ultimately the DNR, to respond in April 2014.

The Ex. 6 Personal Privacy (PP) inspection June 22, 2011 revealed this calf ranch had almost 5,000 calves on 34 acres--with no CAFO permit and no WPDES permit. All discharges from this operation were going into the former class 1 trout stream and US waterway, the

East Twin River. The East Twin River is currently classified as an impaired waterway. The Ex. 6 Personal Privacy (PP) CAFO was permitted March 1, 2013, with the reward of an expansion from the DNR. Attached is the March 13, 2013 inspection of this facility almost 2 years later, and the same month the permit was approved.

Multiple phone calls and emails were made to both Jeff Krieder at the DNR, and the EPA during the time from the initial EPA visit to Ex. 6 Personal Privacy (PP) and through the years long duration of continuing egregious pollution occurring there.

For too long our community has suffered with the blatant disregard of the "heavy regulations" you reference that exist for this industry—and the DNR's continued ineptness in addressing violations. While seeking "Compliance", little is done in a form of enforcement that penalizes and deters violators from ongoing transgressions. Citizenry is left victimized by repetitive bad management practices that poison and contaminate. For too long we have heard there is not enough DNR staff, not enough money, not a program priority, and that citizenry must address the legislature.

Self monitoring doesn't work. Self-regulating doesn't work. "Voluntary" sounds a lot like self regulating and monitoring which led to what Judge Boldt declared as **"Massive Regulatory Failure"** in the Kinnard Farms CAFO permit challenge. The "heavy regulations" put forth for the agricultural industry, and state statutes and law should not be up for interpretation or compromise. The "heavy regulations" should be met with measurable enforcement and fines.

The costs of industrial agriculture most not be allowed its continued externalization of costs to Kewaunee citizenry and our impaired waterways--including Lake Michigan, our groundwater and wells.

Kewaunee County can't wait any longer for the failed measures within the DNR that are not effectively addressing our water quality issues.

We would like to see the water quality problems in our community met with the same expediency and "streamlined" fashion that the next permit or CAFO expansion is met with-- within our already "FULL" County.

Ex. 6 Personal Privacy (PP)